

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DENNIS MCCABE,

4 Plaintiff

Case No. 3:18-cv-00011-RCJ-CBC

ORDER

5 v.

6 NEVADA DEPARTMENT OF
7 CORRECTIONS et al.,

8 Defendants

9
10 **I. DISCUSSION**

11 Plaintiff is a prisoner in the custody of the Nevada Department of Corrections
12 ("NDOC"). Through counsel, Plaintiff has submitted a civil rights complaint pursuant to
13 42 U.S.C. § 1983 and an application to proceed *in forma pauperis* for non-prisoners.
14 (ECF Nos. 1, 2).

15 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28
16 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
17 proceed *in forma pauperis* for prisoners and attach both an inmate account statement for
18 the past six months and a properly executed financial certificate. Plaintiff has not
19 submitted the correct application to proceed *in forma pauperis*, a properly executed
20 financial certificate, or an inmate account statement. (See ECF No. 1). As such, the *in*
21 *forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's
22 civil rights complaint (ECF No. 2), but will not take any further action until the matter of
23 the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure
24 the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay
25 the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in*
26 *forma pauperis* he must file a fully complete application to proceed *in forma pauperis* for
27 prisoners.

28 **II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed

1 *in forma pauperis* for non-prisoners (ECF No. 1) is DENIED without prejudice to file a new
2 application.

3 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
4 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
5 document entitled information and instructions for filing an *in forma pauperis* application.

6 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
7 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis* for
8 prisoners, on the correct form with complete financial attachments in compliance with 28
9 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the
10 \$350 filing fee and the \$50 administrative fee).

11 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
12 dismissal of this action may result.

13
14 DATED THIS 28th day of November 2018.

15 
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28